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Central Intelligence Agency



Washington, D.C. 20505

12 AUG 1985

OLL: 85-1987/3

The Honorable Lee H. Hamilton, Chairman
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter of 9 July 1985 concerning the manner in which briefings on sensitive intelligence matters are to be provided to your Committee. While I appreciate receiving your position and the deliberations of the Committee on this matter, I would hope we could discuss it further in the interest of reaching a solution that best serves our mutual interests.

With respect to your interpretation of the requirements of Section 501 of the National Security Act, while this Act provides specific language for limiting prior notice, I do not believe it precludes withholding notice or the provision of notice by other methods in appropriate circumstances. The preambular language to the Act explicitly recognizes the constitutional prerogatives of the President, and I believe the President could exercise those prerogatives to withhold or seek to limit notice. Equally, the Committee could amend its rules to provide for reporting on the basis we have discussed consistent with both the letter and spirit of the law.

The course you have chosen is a departure from the procedure this Agency has followed for the past eight years with both Intelligence Committees whenever extremely sensitive operational matters arose. During most of these years the Intelligence Oversight Act of 1980 was in effect, but its provision authorizing the President to limit prior notice was not used

until recently because the Committees and the Agency had an informal, secure and flexible arrangement which satisfied joint needs without resorting to a more rigid formal procedure. There was a spirit of comity and dynamic compromise recognized by the Executive and Legislative Branches, a spirit which I believe was much in the minds of both Intelligence Committees when the Intelligence Oversight Act was enacted.

I sincerely hope we can agree that the working relationship between us must avoid the mischief of polarization, and should base the settlement of conflict on continued interplay between us. I hope that the Committee will continue to encourage intelligence officials to suggest the need and methods for sensitive handling of certain information, as it has in the past. These are all thoughts expressed by your Committee in the HPSCI report on the Intelligence Oversight Act, and they are as valid now as they were then.

It is in this same spirit that I invite you and all the Members of your Committee to join me in a concerted effort to develop an effective and flexible relationship that fully satisfies our joint responsibilities within the laws of the nation. Perhaps we could discuss this at a breakfast here at Langley with you and Bob Stump sometime after your return in September.

Sincerely,

/s/ William J. Casey

William J. Casey
Director of Central Intelligence

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U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

WASHINGTON, DC 20515

Executive Registry

85- 2680

July 9, 1985

Honorable William J. Casey
Director of Central Intelligence
Washington, D.C. 20505

Dear Mr. Casey:

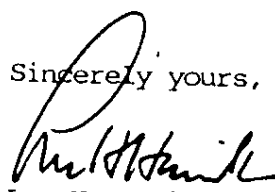
On Tuesday, July 9, the Permanent Select Committee on Intelligence met to discuss the issues raised by the CIA's recent request to brief Bob Stump and me on sensitive items about which, as I understand it, the CIA previously briefed Mr. Boland and Mr. Robinson.

The Committee's clear sentiment is that, in regard to providing sensitive information to the Committee, both the letter and the spirit of the "Oversight Act of 1980" must be adhered to. Except for the limited prior notice provision, the Act does not contemplate the provision of information to only one or two Members of the Committee. Rather, the Act requires the DCI, and others, to "keep the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives . . . fully and currently informed of all intelligence activities . . .", and to "furnish any information or material . . . which is requested by either of the intelligence committees . . .". The Committee has not authorized any of its Members to receive sensitive briefings on its behalf.

Accordingly, it is my intention to require that all briefings requested by or offered to the Committee be provided to all Members of the Committee.

With best wishes, I am

Sincerely yours,


Lee H. Hamilton
Chairman



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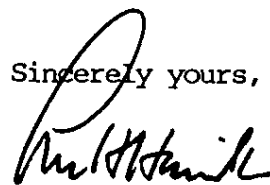
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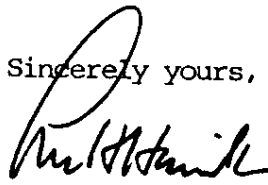
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